

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Jay Smith et al. :
Serial No.: 09/475,961 : Art Unit: 3628
Filed: December 30, 1999 : Examiner: Saliard, Shannon S.
For: DELIVERY MANAGEMENT SYSTEM :
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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

The following comments are in response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowability dated July 28, 2008.

Applicants respectfully disagree with the Examiner's Statement of Reasons for Allowance because such statements may have unintentionally introduced some ambiguities in what was otherwise a very concise and thorough examination of the claims of this patent application. While Applicants believe that the claims are allowable, Applicants do not acquiesce that patentability resides in the features paraphrased in the Examiner's Statement of Reasons for Allowance.

Also, reasons for allowance are only warranted in instances in which the record of the prosecution as a whole does not make clear the Examiner's reasons for allowing a claim or claims (see 37 CFR §1.104(e)). In the present patent application, Applicants believe the record as a whole makes the reasons for allowance clear and therefore no statement by the Examiner is necessary or warranted.

Respectfully submitted,

Eric T. Krischke

Eric T. Krischke
Registration No. 42,769
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070